STATE OF NEW YORK

3100--A

2025-2026 Regular Sessions

IN SENATE

January 23, 2025

Introduced by Sens. RIVERA, BAILEY, JACKSON, MAY, SEPULVEDA, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the insurance law, in relation to coverage for the treatment of asthma

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph (r) of subdivision 2 of section 365-a of the social services law, as added by section 32 of part C of chapter 58 of the laws of 2008, is amended to read as follows:

(r) asthma self-management training services for persons **or parents of persons** diagnosed with asthma **including information on proper use of devices such as spacers, valved holding chambers and masks, and triggers in the environment which should be avoided or managed,** when such services are ordered by a physician, registered physician's assistant, registered nurse practitioner, or licensed midwife and provided by a licensed, registered, or certified health care professional, as determined by the commissioner of health, who is certified as an asthma educator by the National Asthma Educator Certification Board, or a successor national certification board; provided, however, that the provisions of this paragraph shall not take effect unless all necessary approvals under federal law and regulation have been obtained to receive federal financial participation in the costs of health care services provided pursuant to this paragraph. Nothing in this paragraph shall be construed to modify any licensure, certification or scope of practice provision under title eight of the education law.

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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§ 2. Subparagraph (B) of paragraph 41 of subsection (i) of section 3216 of the insurance law, as added by chapter 504 of the laws of 2025, is amended to read as follows:

(B) Coverage shall be provided for one form of rescue and one form of maintenance inhaler [~~that shall not be subject to a deductible, copayment, coinsurance or any other cost-sharing requirement~~]. Coverage for children under nineteen years of age shall also include a second rescue and maintenance inhaler, along with any medically necessary devices. Coverage shall also include any device deemed medically necessary for assisting in the administration of such medications, including but not limited to: spacers, valved holding chambers, or masks and other similar devices. None of these coverage requirements shall be subject to a deductible, copayment, coinsurance, or any other cost-sharing requirement.

§ 3. Subparagraph (B) of paragraph 23 of subsection (l) of section 3221 of the insurance law, as added by chapter 504 of the laws of 2025, is amended to read as follows:

(B) Coverage shall be provided for one form of rescue and one form of maintenance inhaler [~~that shall not be subject to a deductible, copayment, coinsurance or any other cost-sharing requirement~~]. Coverage for children under nineteen years of age shall also include a second rescue and maintenance inhaler, along with any medically necessary devices. Coverage shall also include any device deemed medically necessary for assisting in the administration of such medications, including but not limited to: spacers, valved holding chambers, or masks and other similar devices. None of these coverage requirements shall be subject to a deductible, copayment, coinsurance, or any other cost-sharing requirement.

§ 4. Paragraph 2 of subsection (ww) of section 4303 of the insurance law, as added by chapter 504 of the laws of 2025, is amended to read as follows:

(2) Coverage shall be provided for one form of rescue and one form of maintenance inhaler [~~that shall not be subject to a deductible, copayment, coinsurance or any other cost-sharing requirement~~]. Coverage for children under nineteen years of age shall also include a second rescue and maintenance inhaler, along with any medically necessary devices. Coverage shall also include any device deemed medically necessary for assisting in the administration of such medications, including but not limited to: spacers, valved holding chambers, or masks and other similar devices. None of these coverage requirements shall be subject to a deductible, copayment, coinsurance, or any other cost-sharing requirement.

§ 5. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies issued, renewed, altered or modified on or after such date; provided, however, that if chapter 504 of the laws of 2025 shall not have taken effect on or before such date then sections two, three and four of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2025 takes effect.